

DOCK LICENSE PROCESS FOR PONTOOSUC LAKE

May 22, 2013

The local harbormaster has no authority over docks, but for Lanesborough, the questions get directed to me, and I'm glad to help as much as I can. For Pittsfield, Jim McGrath is the harbormaster and will be glad to help. Also the DEP does, at least sometimes, keep us in the loop to get local input. After helping a couple folks through the process, I assembled the following information. Please provide any feedback so I can improve this guidance for others.

Docks on a Great Pond (Pontoosuc Lake is a Great Pond) must be licensed by the state in accordance with the Chapter 91 regulations. The dock licensing is done by the DEP and the local contact, Springfield office, is Jeremiah Mew. He can be reached at; jeremiah.mew@state.ma.us

The forms you need and some good background information can be obtained using the links below. You must get a unique transmittal number to enter in the transmittal form, and can get the number at site 4.

1. Guidelines for building dock: <http://www.mass.gov/dep/water/resources/smaldock.pdf>
2. Background on why dock license is required;
<http://www.mass.gov/eea/docs/dep/water/approvals/year-thru-alpha/06-thru-d/c91permgd.pdf>
3. Website for state forms:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/brp-ww-0612.html>
4. Transmittal form number site: <http://mass.gov/dep/service/online/trasmfrm.shtml>
5. Request for Determination of Applicability.
<http://www.mass.gov/dep/water/approvals/wpaform1.pdf>

My advice about the process is as follows;

1. Get the simplified form and instruction at link 3 (all instructions are not included in the form, so get both). If you download it in word you can fill out the form on your computer. Sketch your planned dock (and existing if applicable) using the example in the instruction. Be sure to show distance from abutters along the shoreline, and the length of your shoreline.
2. Get the RDA form at link 5. This is to be filed with the Lanesborough Conservation Commission.
3. Discuss situation at a Lanesborough Con Com meeting and see if anything else is needed in your RDA. Use your DEP form as the basis for your discussion. If you are doing anything on the shore other than setting a dock end on it, more may be needed and you may need an NOI, which is much more involved than an RDA.

5/23/2013

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4. The Conservation Commission will tell you whether you need an RDA or a NOI. Complete the one they want and bring it to the town secretary and she will schedule for a formal hearing with the con com, and advertise in the legal adds for the meeting. You will have to pay the secretary for the add.
5. Submit the form to the DEP. Don't forget to get the transmittal form number (link 4 above). It is a unique number assigned to you when you access the site.
6. You will get a response from DEP. perhaps requesting changes to your plan. Commonly the request is to provide access for citizens walking around the lake shore, and if your dock is a barrier to this activity you will need to provide a way around the dock. Try to show in your initial plan that people wading around the shore can get by your dock without undue inconvenience.
7. The response from DEP will require you advertise in the Eagle and they will provide the language. Submit wording provided by DEP to the Eagle and pay for it yourself. You also need to advertise for the Con Com RDA hearing. Deal with the town secretary for the con com add and she will tell you whether to pay the town or the Eagle.
8. DEP also requires that you notify abutters and certain town officials of your plans by certified mail. The cost of these mailings will run \$10 each.
9. If all this works, the semi-final step is to file with the Registrar of Deeds which for Lanesborough is in Adams.
10. The final step is to assure DEP is sent a copy of the "notification of recording the waterways license". The registrar may do this, but check to be sure you don't need to do it.
11. Costs for all this are about;
 - Filing fee with DEP \$65
 - Advertising for Con Com hearing \$70
 - Advertising for DEP hearing. \$250
 - Abutter and official mailings for DEP \$80
 - Filing with the Registry of Deeds \$75
 - Total \$540

Give me feedback on how it goes, so we can help others through the process. Also, let me know the costs for the steps in the process so I can inform others.

I believe it is in the best interests of lake users to get permits/licenses for their docks. The state has streamlined the process for us. The underlying goal of the Chapter 91 regulations is to keep our lakes accessible to all the citizens of Massachusetts, and this is a worthy objective. So I encourage all to work with the regulations and achieve your lake access desires without limiting access by the rest of the citizens of our Commonwealth.

Lee Hauge
442-6691

5/23/2013